



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,657	01/21/2000	Raymond Anthony Joao	JB008	6109

7590 09/13/2002

Raymond A Joao Esq
122 Bellevue Place
Yonkers, NY 10703

EXAMINER

KEE, DAVID M

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/489,657	JOAO ET AL. 
Examiner	Art Unit	
David Kee	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 January 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 January 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

This application has been reviewed. Original claims 1-20 are pending. The objections and rejections are stated below.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is neither clear nor concise and is replete with grammatical errors thereby making the abstract incomprehensible. Correction is required. See MPEP § 608.01(b).

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. Claims 1-20 are objected to because of the following informalities:

- The claims are replete with grammatical errors.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 recites the limitation “the account holder”.

There is insufficient antecedent basis for the above limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-11, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Checchio US Pat No. 6,023,682.

Claim 1, Checchio teaches a method and apparatus for credit card purchase authorization utilizing a comparison of a purchase token with test information. Checchio also teaches an apparatus comprising:

- A processor for processing a transaction, communication, and request for authorizing a credit card purchase request (col. 3, lines 9-47);
- A transmitter for transmitting a notification signal to a credit card company (Figure 2; col. 3, line 48-67).

Claim 2, Checchio teaches an apparatus comprising an input device for inputting vendor and user information (col. 3, line 53).

Claim 3, Checchio teaches an apparatus for a transaction, communication, and request for the authorization of a credit card account (Abstract and col. 1, line 66 to col. 2, line 2).

Claim 4, Checchio teaches an apparatus comprising a transmitter for transmitting a notification signal to a central processing computer (col. 3, lines 65-67).

Claim 5, Checchio teaches a receiver for receiving responses containing authorization or rejection from a credit card company (Figure 1 and col. 3, lines 36-46).

Claims 6 and 7, Checchio teaches an apparatus comprising a receiver for receiving a limitation and restriction from a credit card company (Figure 1 and col. 3, lines 36-46).

Claim 8, Checchio teaches an apparatus comprising:

- A reading device for obtaining vendor, user, and card information (col. 3, lines 53-58); and
- A memory for storing user information (col. 3, lines 13-30). Although not explicitly stated, after the user has entered his/her Personal Identification Code (PIC) into the credit card validation unit the credit card validation unit must temporarily store the user's PIC into memory to create a purchase token to be sent to the credit card company for purchase authorization.

Claim 9, Checchio teaches an apparatus for entering card and user information into the credit card validation unit by passing a credit card with a magnetic strip through a magnetic strip reader (col. 3, lines 58-67).

Claims 10 and 11, Checchio teaches an apparatus of wirelessly transmitting a user's purchase token to a credit card company for authorization (col. 3, line 65-67). Since the notification signal is transmitted wirelessly, multiple communication devices can receive the transmitted signal simultaneously.

Claim 15, Checchio teaches an apparatus comprising:

- A receiver for receiving a request for authorizing a credit card purchase (Figure 1 and col. 3, line 21);
- A memory device for storing account holder information (col. 3, line 31);
- A processor for processing incoming signals, creating a test token, comparing the test token with the purchase token, and authorizing/rejecting a credit card purchase request (col. 3, lines 30-47);
- A transmitter for transmitting a response signal to a transaction device (col. 3, lines 37-47).

Claim 16, Chicchio teaches an apparatus comprising a wireless communication device wherein wireless communication occurs between the credit card validation unit and the credit card company's computer (col. 4, lines 1-13).

Claim 17, Chicchio teaches a method of:

- Processing a credit card authorization request (col. 3, lines 9-47);
- Generating a notification signal (col. 3, line 20); and
- Transmitting a notification signal (col. 3, line 20).

Claim 18, Chicchio teaches a method of:

Art Unit: 3628

- Inputting data and information regarding the authorization of a credit card purchase (col. 3, line 53); and
- Receiving data and information regarding the authorization of a credit card purchase (Figure 1 and col. 3, lines 36-46).

Claim 19, Chicchio teaches a method for a transaction, communication, and request for the authorization of a credit card account (Abstract and col. 1, line 66 to col. 2, line 2).

Claim 20, Chicchio teaches an apparatus for receiving a wireless response from a credit card company (col. 3, lines 36-46 and col. 4, lines 1-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chicchio US Pat No. 6,023,682.

Claims 12-14, the teachings of Chicchio are discussed above.

Chicchio fails to explicitly teach an apparatus wherein:

- A notification signal is transmitted in real-time;
- A response is received in real-time;
- A limitation and restriction is received in real-time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Chicchio to include an apparatus wherein a notification signal is

Art Unit: 3628

transmitted in real-time, a response is received in real-time; a limitation and restriction is received in real-time because credit card transactions are usually performed in real-time in order to expedite the customer's wait time while at the vendor's point of sale terminal.

The motivation to include an apparatus wherein a notification signal is transmitted in real-time, a response is received in real-time; a limitation and restriction is received in real-time is to improve the efficiency of the system by expediting request and authorization of credit card transactions.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- a. Davis et al. US Pat No. 6,038,549 Mar. 14, 2000. Portable 1-Way Wireless Financial Messaging Unit.
- b. Walsh et al. US Pat No. 6,230,970-B1 May 15, 2001. Low-Power Hand-Held Transaction Device.
- c. Hannula et al. US Pat No. 6,366,893-B2 Apr. 2, 2002. System, A Method and An Apparatus For Performing An Electric Payment Transaction In A Telecommunication Network.
- d. Clark US Pat No. 5,815,577 Sep. 29, 1998. Methods and Apparatus for Securely Encrypting Data in Conjunction With A Personal Computer.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to David Kee whose telephone number is (703) 305-5345. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, Frantzy Poinvil can be reached at (703) 305-9779.

The fax number or Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

David Kee

September 9, 2002


FRANTZY POINVIL
PRIMARY EXAMINER
A43628